

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

A.P. State Disaster Response & Fire Services Department – S.A. M.P.No.1579/2011 in S.A.No.698/2011, filed by Sri Kailas Srinivas for Opening of new Fire Out Post at Narsapur, Medak District – Deposit of 50% decretal amount of Rs.1,01,615/- Sanction of amount - Orders – Issued.

HOME (FIRE SERVICES) DEPARTMENT

G.O.RT.NO. 1291

DATED:25-05-2013

Read the following:-

- 1.G.O.Ms.No.13, Home (Pri.A) Department, dated 09-01-2004
- 2.From the Director General, A.P.State Disaster Response and Fire Services, Hyderabad, Lr. Rc.No.1512/B1/2000, dated 17-10-2011 27-02-2012 and 04-05-2012.
- 3.Govt., Memo No.30536/FS.II/2011-7, dated 02-06-2012.
4. From the Director General, A.P.State Disaster Response and Fire Services, Hyderabad, Lr.Rc.No.1512/B1/2000, dated 21-06-2012.

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ORDER:

In the reference 1st read above, Government have accorded sanction for opening of 21 new Fire Stations on contract basis/ out sourcing, which includes a Fire Station at Narsapur, Medak District.

2. In the reference 2nd read above, the Director General, A.P.State Disaster Response and Fire Services, Hyderabad has stated that as per the term & conditions, the contract was awarded to Sri Kailas Srinivas, C/o.Devi Fashions, Venkateswara Complex, Mancheriyal, Adilabad District who tendered the lowest bid and the lowest bidder deposited an amount of ₹ 1,00,000/- (Rupees one lakh only) and agreement was made to maintain the Fire Out Post at Narsapur, Medak District for a period of (5) years from the date of agreement.

3. Meanwhile the Service Provider has submitted that he is unable to maintain the Fire Out Post at Narsapur due to mental agony, stress and financial problems and requested to terminate the agreement dated 15-12-2005 and refund the security deposit of the 1/10th bid cost of the Tender, i.e ₹ 1,00,000/- (Rupees One Lakh only). The District Collector, Medak who is the Chairman of the Committee cancelled the contact and ordered to forfeit the deposit amount. The forfeited amount was remitted vide Challan No.35060, dated 19-05-2007 at S.B.H. Branch, Sangareddy.

4. The Director General, A.P.State Disaster Response and Fire Services, Hyderabad further stated that the Service Provider approached the Hon'ble Court, Senior Civil Judge, Medak and the Hon'ble Court in its Judgment order in E.P.No.325/2007 has directed to pay a sum of ₹ 1,00,000/- (Rupees One Lakh only) to the bidder with 24% interest p.a from 15-12-2005 and also to pay a sum of ₹ 16,592/- (Rupees sixteen thousand five hundred and ninety two only) towards the cost of the suit.

5. The District Fire Officer, Medak has preferred an appeal in AS No.78 of 2009 before the Principal District Judge, Medak at Sangareddy against the judgment and decree dated 29-06-2009 delivered in OS No.325 of 2007. However, the judgement passed by the Senior Civil Judge, Medak was confirmed by the Hon'ble Principal District Judge, Medak at Sanga Reddy who ordered to pay ₹ 2,03,230/- (Rupees two lakhs three thousand two hundred and thirty only) to the bidder.

6. The District Fire Officer, Medak went on a second appeal and filed counter affidavit for interim stay on all proceedings in EP No.810 of 2009 in OS No. 325 of 2007 before the Hon'ble High Court. The Hon'ble High Court pending SA No.698 of 2011 "granted interim stay and directed to deposit 50% of the decretal amount i.e ₹ 1,01,615/- (Rupees one lakh one

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thousand six hundred and fifteen only) within three weeks before the executing court". The District Collector, Medak was ordered to deposit 50% of decretal amount before the Court and accordingly he requested the Government to release the forfeited amount.

7. The Director General, A.P.State Disaster Response and Fire Services, Hyderabad has therefore requested the Government to sanction an amount of ₹ 1,01,615/- (Rupees one lakh one thousand six hundred and fifteen only) to deposit before the executing court to avoid legal problem.

8. Government after careful consideration of the matter, hereby accord sanction for an amount of Rs.1,01,615/- (Rupees one lakh one thousand six hundred fifteen only) to Sri Kailas Srinivas towards payment of decretal amount as ordered by the Hon'ble High Court in S.A.M.P.No.1579/2011 in S.A.No.698/2011.

9. The amount sanctioned at para (8) above shall be debited to the Head of Account "2070-Other Administrative Services – MH.108-Fire Protection and Control –SH (03) District Offices – 500 Other Charges - 503-Other Expenditure (Charged)" and the amount shall initially be met by way of an advance from the Contingency Fund, for which orders will be separately issued by the Finance (BG.I) Department.

10. The Director General, A.P.State Disaster Response and Fire Services, Hyderabad is authorized to draw the amount sanctioned in para (8) above and place the amount at the disposal of Senior Civil Judge, Medak at Sanga Reddy.

11. The Director General, A.P.State Disaster Response and Fire Services, Hyderabad shall send necessary proposal for obtaining Supplementary Grant at appropriate time during the current financial year 2013-14 towards recoupment of advance to the contingency fund.

12. The Director General, A.P.State Disaster Response and Fire Services, Hyderabad shall take further action accordingly.

13. This order issues with the concurrence of the Finance (Exp.H&L) Department, vide their U.O.No.11843/219/Exp.Home.II/13, dt. 07-05-2013

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**PRABHAKAR D. THOMAS
SPECIAL CHIEF SECRETARY TO GOVERNMENT**

To

The Director General, A.P. State Disaster Response & Fire Services, Hyderabad.

The Accountant General (A&E), A.P., Hyderabad.

The Director of Treasuries & Accounts, A.P., Hyderabad.

The DTO, Medak District.

Copy to:

The Registrar, the Hon'ble High Court of Andhra Pradesh, Hyderabad.

The Finance (Exp.Home) Department.

The Finance (BG) Department.

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER